

FILED
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT 2005 JAN 24 P 4:15
DISTRICT OF MASSACHUSETTS

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TIG INSURANCE COMPANY,
as successor-in-interest to
TRANSAMERICA INSURANCE
COMPANY

U.S. DISTRICT COURT
DISTRICT OF MASS.

Plaintiff,

Civil Action No. 04-12729-MLW

v.

FIRST STATE INSURANCE COMPANY,

Defendant.

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**DEFENDANT FIRST STATE INSURANCE COMPANY'S
MOTION TO STRIKE CERTAIN PORTIONS OF
PLAINTIFF'S PETITION PURSUANT TO RULE 12(f)
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant First State Insurance Company ("First State") moves this Court, in the event that it denies First State's January 7, 2005 Motion for an Order of Impoundment and Sealing of Confidential Material Pursuant to Local Rule 7.2 ("Motion to Impound"), for an Order striking the following paragraphs and exhibits from TIG Insurance Company's ("TIG") Petition to Confirm an Arbitration Award:

Paragraphs 11, 14, 15, 16, 17 (to the extent that it provides the language of the arbitration award), 18, 19, 20, 21, 22, 23, 24, 25 (to the extent that it provides TIG's description of the award and the language of the award), and 26 (except to the extent that it alleges that "First State has not objected to TIG's offset"); Exhibits 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

In support of this Motion, First State avers that the relief requested is necessary 1) because the aforementioned paragraphs and exhibits are immaterial and impertinent, and 2) to

preserve the arbitration panel's and the parties' expectations of confidentiality, and to prevent others from improperly arguing that the unreasoned arbitration award should have precedential value.

First State Insurance Company
By its attorneys,


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-and-

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Dated: January 24, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of
the above document was served upon the
attorney(s) of record for each other
party by mail on 1/24/05
